

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PROBUILDERS SPECIALTY  
INSURANCE CO., RRG,

Plaintiff,

v.

VALLEY CORP. B., ET AL.,

Defendants.

Case No. 5:10-CV-05533 EJD

**ORDER RE SELECTION OF  
METHOD OF PRESENTATION FOR  
RESCISSION CAUSE OF ACTION**

The above-entitled matter came before the court for a status conference on December 19, 2013 to discuss, inter alia, the scheduling of a rescission bench trial. The court offered the following two options to the parties:

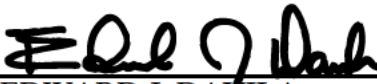
RESCISSION BENCH TRIAL	
EVENT	DATE
Final Pretrial Conference (Bench)	11:00 a.m. on February 28, 2014
Joint Final Pretrial Conference Statement, Motions <i>in Limine</i> , and Exchange of Exhibits	February 20, 2014
Proposed Findings of Fact and Conclusions of Law (Bench)	February 20, 2014
Bench Trial	8:00 a.m. on March 20, 2014

SUBMISSION OF RESCISSION ISSUE THROUGH CROSS MOTIONS	
EVENT	DATE
Plaintiff's Opening Brief <sup>1</sup>	February 20, 2014
Defendants' Opposition and Cross Motion	March 13, 2014
Plaintiff's Reply	March 20, 2014
Defendants' Reply	March 27, 2014

The parties are hereby ORDERED to meet and confer on these options, select an option<sup>2</sup>, and file a stipulation indicating their choice as a separate docket entry on ECF by no later than Friday, January 3, 2014.

**IT IS SO ORDERED.**

Dated: December 19, 2013

  
 EDWARD J. DAVILA  
 United States District Judge

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<sup>1</sup> All briefing supporting these cross motions must comply with Civil Local Rules 3-4 and 7-4.

<sup>2</sup>At the conference, the parties submitted a hybrid proposal under which the parties would submit briefing according to the cross motion schedule but identify as a separate issue any new evidence that would need to be introduced. If new evidence appeared to be required, the parties proposed holding a one-day bench trial to receive it. While the court appreciates the parties' suggestion, it declines to accept this proposal. In the event the parties select the cross motion option, any additional evidence that may be required may be submitted through stipulations or declarations in accordance with the procedures set forth in Local Rule 7-2, 7-3, and 7-5.